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In re Application of
Donald K. DRUMMOND
Application No. 09/826,062
Filed: April 4, 2001
Attorney Docket No. DN 96-006 D1

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AUG 05 2005

OFFICE OF PETITIONS

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the petition filed on February 22, 2005 to revive the above-identified application as unintentionally abandoned at no fault of the applicant, which is being treated as a petition under 37 CFR 1.137(b) to revive.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 28, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 29, 2003.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Since the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the petition is being construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the petition.

A petition fee of \$1,500 to revive an unintentional abandonment has been charged to applicant's Deposit Account No. 13-3639 as authorized in the petition.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137 (b) in that (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of February 28, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Amelia Au at (571) 272-7414. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application file is being referred to Technology Center Art Unit 1731 for appropriate action on the concurrently filed amendment.

Frances Hicks

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Lead Petitions Examiner

Office of Petitions